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California Resources Production Corporation

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, THE WILDERNESS
SOCIETY, FRIENDS OF THE EARTH,
AND NATURAL RESOURCES
DEFENSE COUNCIL,

Plaintiffs,

v.

U.S. BUREAU OF LAND
MANAGEMENT; DEBRA HAALAND, in
her capacity as Secretary of the U.S.
Department of the Interior; KAREN
MOURITSEN, in her capacity as California
State Director of the U.S. Bureau of Land
Management; GABRIEL GARCIA, in his
capacity as the Field Manager of the U.S.
Bureau of Land Management; JOHN
HODGE, in his capacity as the Assistant
Field Manager of Minerals of the U.S.
Bureau of Land Management; and
CALIFORNIA RESOURCES
PRODUCTION CORPORATION dba
CALIFORNIA RESOURCE
PRODUCTION CORPORATION,

Defendants.

Case No. 1:23-cv-00938-JLT-CDB

ANSWER TO COMPLAINT

Judge: Hon. Jennifer L. Thurston

INTRODUCTION

Defendant California Resources Production Corporation (the “Defendant”) for itself and not for any other named or unnamed party, answer Plaintiffs Center for Biological Diversity, et al.’s (“Plaintiffs”) Complaint for Declaratory and Injunctive Relief (“Complaint”) as follows. All allegations contained in headings, footnotes, or otherwise outside the numbered paragraphs, do not require a response and are denied to the extent they require a response.

1. Defendant responds that Paragraph 1 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 1. To the extent the allegations are about the U.S. Bureau of Land Management’s (“BLM’s”) knowledge or intentions, about which Defendant lacks sufficient information to admit or deny, Defendant denies the allegations.

2. Defendant responds that Paragraph 2 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 2.

3. Defendant denies the allegations in Paragraph 3.

4. Defendant responds that Paragraph 4 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 4, except that the Clean Air Act (“CAA”) and National Environmental Policy Act (“NEPA”) speak for themselves.

5. Defendant responds that Paragraph 5 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 5, except that the CAA speaks for itself. To the extent the allegations are about the U.S. Environmental Protection Agency (“EPA”) or BLM’s knowledge or intentions, about which Defendant lacks sufficient information to admit or deny, Defendant denies the allegations.

1 6. Defendant responds that Paragraph 6 states a legal conclusion to which no
2 response is required. To the extent a response is required, Defendant denies the allegations
3 in Paragraph 6, except that NEPA speaks for itself. To the extent the allegations are about
4 BLM's knowledge or intentions, about which Defendant lacks sufficient information to
5 admit or deny, Defendant denies the allegations.

6 7. Defendant responds that Paragraph 7 states a legal conclusion to which no
7 response is required. To the extent a response is required, Defendant responds that the
8 CAA, NEPA, Federal Land Policy and Management Act ("FLPMA"), and the Mineral
9 Leasing Act ("MLA") speak for themselves. To the extent the allegations are about BLM's
10 knowledge or intentions, or Plaintiffs' interactions with BLM, about which Defendant lacks
11 sufficient information to admit or deny, Defendant denies the allegations.

12 8. Defendant responds that Paragraph 8 states a legal conclusion to which no
13 response is required, except Defendant admits that on May 31, 2023, BLM approved with
14 conditions six Applications for Permit to Drill wells located in the San Joaquin Valley. To
15 the extent a response to the remainder of the paragraph is required, Defendant denies the
16 allegations in Paragraph 8.

17 9. Defendant responds that Paragraph 9 states a legal conclusion to which no
18 response is required. To the extent a response is required, Defendant denies the allegations
19 in Paragraph 9.

20 **JURISDICTION AND VENUE**

21 10. Defendant responds that Paragraph 10 states a legal conclusion to which no
22 response is required. To the extent a response is required, Defendant denies the allegations
23 in Paragraph 10.

24 11. Defendant responds that Paragraph 11 states a legal conclusion to which no
25 response is required. To the extent a response is required, Defendant denies the allegations
26 in Paragraph 11.

27 12. Defendant responds that Paragraph 12 states a legal conclusion to which no
28 response is required. To the extent a response is required, Defendant denies the allegations

1 in Paragraph 12, except that Defendant admits that officers of the United States are named
2 defendants in their official capacities.

3 13. Defendant responds that Paragraph 13 states a legal conclusion to which no
4 response is required. To the extent a response is required, Defendant denies the allegations
5 in Paragraph 13.

6 **PARTIES**

7 14. Defendant lacks sufficient information to admit or deny, and therefore denies
8 the allegations in Paragraph 14.

9 15. Defendant lacks sufficient information to admit or deny, and therefore denies
10 the allegations in Paragraph 15.

11 16. Defendant lacks sufficient information to admit or deny, and therefore denies
12 the allegations in Paragraph 16.

13 17. Defendant denies the allegations in the last sentence of Paragraph 17.
14 Defendant lacks sufficient information to admit or deny, and therefore denies the remaining
15 allegations in Paragraph 17.

16 18. Defendant lacks sufficient information to admit or deny, and therefore denies
17 the allegations in the first sentence of Paragraph 18. Defendant denies the allegations in the
18 second and third sentences of Paragraph 18.

19 19. Defendant denies the allegations in Paragraph 19.

20 20. Defendant responds that Paragraph 20 states a legal conclusion to which no
21 response is required. To the extent a response is required, Defendant lacks sufficient
22 information to admit or deny, and therefore denies the allegations in Paragraph 20.

23 21. Defendant responds that Paragraph 21 states a legal conclusion to which no
24 response is required. To the extent a response is required, Defendant denies the allegations
25 in Paragraph 21.

26 22. Defendant admits the allegations in Paragraph 22.

27 23. Defendant admits that Debra Haaland is sued in her official capacity as the
28 Secretary of the United States Department of the Interior. Otherwise, Defendant lacks

1 sufficient information to admit or deny, and therefore denies the allegations in Paragraph
2 23.

3 24. Defendant admits that Karen Mouritsen is sued in her official capacity as the
4 State Director of BLM in California. Otherwise, Defendant lacks sufficient information to
5 admit or deny, and therefore denies the allegations in Paragraph 24.

6 25. Defendant admits that Gabriel Garcia is sued in his official capacity as the
7 BLM Bakersfield Field Manager. Otherwise, Defendant lacks sufficient information to
8 admit or deny, and therefore denies the allegations in Paragraph 25.

9 26. Defendant admits that John Hodge is sued in his official capacity as the BLM
10 Bakersfield Assistant Field Manager for Mineral. Otherwise, Defendant lacks sufficient
11 information to admit or deny, and therefore denies the allegations in Paragraph 26.

12 27. Defendant responds that the correct name of the referenced entity is California
13 Resources Production Corporation, which is a Delaware Corporation registered to do
14 business in California with the California Secretary of State; Defendant further responds
15 that the permits referenced in Paragraph 27 speak for themselves. Otherwise, Defendant
16 denies the allegations in Paragraph 27.

17 28. Defendant responds that the correct name of the referenced entity is California
18 Resources Production Corporation, which is a Delaware Corporation registered to do
19 business in California with the California Secretary of State; Defendant further responds
20 that the permits referenced in Paragraph 28 speak for themselves. Otherwise, Defendant
21 denies the allegations in Paragraph 28.

22 29. Defendant responds that Paragraph 29 states a legal conclusion to which no
23 response is required. To the extent a response is required, Defendant denies the allegations
24 in Paragraph 29.

25 **STATUTORY BACKGROUND**

26 **I. Clean Air Act**

27 30. Defendant responds that Paragraph 30 states a legal conclusion to which no
28 response is required. To the extent a response is required, Defendant denies the allegations

1 in Paragraph 30, except that the CAA speaks for itself.

2 31. Defendant responds that Paragraph 31 states a legal conclusion to which no
3 response is required. To the extent a response is required, Defendant denies the allegations
4 in Paragraph 31, except that the CAA speaks for itself.

5 32. Defendant responds that Paragraph 32 states a legal conclusion to which no
6 response is required. To the extent a response is required, Defendant denies the allegations
7 in Paragraph 32, except that the CAA speaks for itself.

8 33. Defendant responds that Paragraph 33 states a legal conclusion to which no
9 response is required. To the extent a response is required, Defendant denies the allegations
10 in Paragraph 33, except that 40 C.F.R. § 93.153(b) speaks for itself.

11 34. Defendant responds that Paragraph 34 states a legal conclusion to which no
12 response is required. To the extent a response is required, Defendant denies the allegations
13 in Paragraph 34, except that 40 C.F.R. § 93.152 speaks for itself.

14 35. Defendant responds that Paragraph 35 states a legal conclusion to which no
15 response is required. To the extent a response is required, Defendant denies the allegations
16 in Paragraph 35, except Defendant admits that the General Conformity Training Module
17 speaks for itself.

18 36. Defendant responds that Paragraph 36 states a legal conclusion to which no
19 response is required. To the extent a response is required, Defendant denies the allegations
20 in Paragraph 36, except Defendant admits that the General Conformity Training Module
21 speaks for itself.

22 37. Defendant responds that Paragraph 37 states a legal conclusion to which no
23 response is required. To the extent a response is required, Defendant denies the allegations
24 in Paragraph 37, except Defendant admits that the General Conformity Training Module
25 and 40 C.F.R. § 93.153(d)(1) speak for themselves.

26 **II. National Environment Policy Act**

27 38. Defendant responds that Paragraph 38 states a legal conclusion to which no
28 response is required. To the extent a response is required, Defendant denies the allegations

1 in Paragraph 38, except Defendant admits that *Ctr. for Biological Diversity v. U.S. Forest*
2 *Serv.*, 349 F.3d 1157, 1166 (9th Cir. 2003), NEPA, and the Fiscal Responsibility Act
3 (“FRA”) speak for themselves.

4 39. Defendant responds that Paragraph 39 states a legal conclusion to which no
5 response is required. To the extent a response is required, Defendant denies the allegations
6 in Paragraph 39, except that NEPA speaks for itself.

7 40. Defendant responds that Paragraph 40 states a legal conclusion to which no
8 response is required. To the extent a response is required, Defendant denies the allegations
9 in Paragraph 40, except that NEPA and *Robertson v. Methow Valley Citizens Council*, 490
10 U.S. 332, 349 (1989) speak for themselves.

11 41. Defendant responds that Paragraph 41 states a legal conclusion to which no
12 response is required. To the extent a response is required, Defendant denies the allegations
13 in Paragraph 41, except that 40 C.F.R. § 1508.1(g)(3) speaks for itself.

14 42. Defendant responds that Paragraph 42 states a legal conclusion to which no
15 response is required. To the extent a response is required, Defendant denies the allegations
16 in Paragraph 42, except that 42 U.S.C. §§ 4332(C)(iii), (E) speak for themselves.

17 43. Defendant responds that Paragraph 43 states a legal conclusion to which no
18 response is required. To the extent a response is required, Defendant denies the allegations
19 in Paragraph 43, *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380
20 (9th Cir. 1998) speaks for itself.

21 44. Defendant responds that Paragraph 44 states a legal conclusion to which no
22 response is required. To the extent a response is required, Defendant denies the allegations
23 in Paragraph 44, except that 42 U.S.C. § 4332(C) speaks for itself.

24 45. Defendant responds that Paragraph 45 states a legal conclusion to which no
25 response is required. To the extent a response is required, Defendant denies the allegations
26 in Paragraph 45, except that 40 C.F.R. § 1501.5, 40 C.F.R. § 1501.6(a), *Ctr. for Biological*
27 *Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1185 (9th Cir. 2008), and
28 *Anderson v. Evans*, 371 F.3d 475, 488 (9th Cir. 2004) speak for themselves.

1 46. Defendant responds that Paragraph 46 states a legal conclusion to which no
2 response is required. To the extent a response is required, Defendant denies the allegations
3 in Paragraph 46, except that NEPA and *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062,
4 1072 (9th Cir. 2002) speak for themselves.

5 47. Defendant responds that Paragraph 47 states a legal conclusion to which no
6 response is required. To the extent a response is required, Defendant denies the allegations
7 in Paragraph 47, except that *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332,
8 349 (1989) and 40 C.F.R. § 1506.6(b) speak for themselves.

9 **III. Federal**

10 48. Defendant responds that Paragraph 48 states a legal conclusion to which no
11 response is required. To the extent a response is required, Defendant admits the allegations
12 in Paragraph 48.

13 49. Defendant responds that Paragraph 49 states a legal conclusion to which no
14 response is required. To the extent a response is required, Defendant denies the allegations
15 in Paragraph 49, except that 43 U.S.C. § 1701(a)(8), § 1702(c), and § 1732(b) speak for
16 themselves.

17 50. Defendant responds that Paragraph 50 states a legal conclusion to which no
18 response is required. To the extent a response is required, Defendant denies the allegations
19 in Paragraph 50, except that 43 U.S.C. § 1712(c)(8) and 43 C.F.R. § 2920.7(b)(3) speak for
20 themselves.

21 51. Defendant responds that Paragraph 51 states a legal conclusion to which no
22 response is required. To the extent a response is required, Defendant denies the allegations
23 in Paragraph 51, except that 43 U.S.C. § 1739(e) speaks for itself.

24 **IV. The Mineral Leasing Act**

25 52. Defendant responds that Paragraph 52 states a legal conclusion to which no
26 response is required. To the extent a response is required, Defendant denies the allegations
27 in Paragraph 52, except that 30 U.S.C. § 187 speaks for itself.
28

1 53. Defendant responds that Paragraph 53 states a legal conclusion to which no
2 response is required. To the extent a response is required, Defendant denies the allegations
3 in Paragraph 53, except that 30 U.S.C. § 226(f) speaks for itself.

4 **V. Freedom of Information Act**

5 54. Defendant responds that Paragraph 54 states a legal conclusion to which no
6 response is required. To the extent a response is required, Defendant denies the allegations
7 in Paragraph 54, except that the Freedom of Information Act speaks for itself.

8 55. Defendant responds that Paragraph 55 states a legal conclusion to which no
9 response is required. To the extent a response is required, Defendant denies the allegations
10 in Paragraph 55, except that 5 U.S.C. §§ 552 (a)(6)(A)(i) and (a)(3)(C)—(D) speak for
11 themselves.

12 56. Defendant responds that Paragraph 56 states a legal conclusion to which no
13 response is required. To the extent a response is required, Defendant denies the allegations
14 in Paragraph 56, except that 5 U.S.C. §§ 552(a)(6)(C)(i) and (a)(4)(B) speak for themselves.

15 57. Defendant responds that Paragraph 57 states a legal conclusion to which no
16 response is required. To the extent a response is required, Defendant denies the allegations
17 in Paragraph 57, except that the Environmental Protection Agency’s General Conformity
18 Guidelines speak for themselves.

19 58. Defendant responds that Paragraph 58 states a legal conclusion to which no
20 response is required. To the extent a response is required, Defendant denies the allegations
21 in Paragraph 58, except that 5 U.S.C. §§ 552(a)(6)(C)(i) and (a)(4)(B) speak for themselves.

22 59. Defendant responds that Paragraph 59 states a legal conclusion to which no
23 response is required. To the extent a response is required, Defendant denies the allegations
24 in Paragraph 59, except that 5 U.S.C. § 552(a)(4)(B) speaks for itself.

25 **VI. Administrative Procedure Act**

26 60. Defendant responds that Paragraph 60 states a legal conclusion to which no
27 response is required. To the extent a response is required, Defendant denies the allegations
28 in Paragraph 60, except that 5 U.S.C. § 702 and § 704 speak for themselves.

61. Defendant responds that Paragraph 61 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 61, except that 5 U.S.C. § 706(2)(A) and § 706(2)(B)—(F) speak for themselves.

FACTUAL BACKGROUND

I. The San Joaquin Valley and the Environment Impacts of Oil Drilling

62. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 62.

63. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 63.

64. Defendant responds that Paragraph 64 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 64, except that the CAA speaks for itself.

65. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 65, except that the Environmental Assessment for California Resource Production Corporation Mount Poso and permit applications speak for themselves.

66. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 66.

67. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 67.

68. Defendant responds that Paragraph 68 states a legal conclusion to which no response is required. To the extent a response is required, Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 68.

69. Defendant denies the allegations in Paragraph 69.

70. Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in the first sentence of Paragraph 70. Defendant denies the allegations in the second sentence of Paragraph 70

1 71. Defendant lacks sufficient information to admit or deny, and therefore denies
2 the allegations in Paragraph 71.

3 72. Defendant lacks sufficient information to admit or deny, and therefore denies
4 the allegations in Paragraph 72.

5 73. Defendant denies the allegations in Paragraph 73, except that the referenced
6 statement by the American Lung Association and the EPA's National-Scale Air Toxics
7 Assessment speak for themselves.

8 74. Defendant lacks sufficient information to admit or deny, and therefore denies
9 the allegations in Paragraph 74.

10 75. Defendant lacks sufficient information to admit or deny, and therefore denies.

11 76. Defendant lacks sufficient information to admit or deny, and therefore denies,
12 except Defendant admits that in 2019, the California Department of Water Resources
13 designated the San Joaquin Valley – Kern County Subbasin (among others) as critically
14 overdrafted.

15 77. Defendant lacks sufficient information to admit or deny, and therefore denies.

16 78. Defendant denies the allegations in Paragraph 78, except Defendant admits
17 that in 2019, the California Department of Water Resources designated the San Joaquin
18 Valley – Kern County Subbasin (among others) as critically overdrafted.

19 79. Defendant denies the allegations in Paragraph 79.

20 80. Defendant lacks sufficient information to admit or deny, and therefore denies
21 the allegations in the second sentence of Paragraph 80. Otherwise, Defendant denies the
22 allegations in Paragraph 80.

23 81. Defendant denies the allegations in Paragraph 81.

24 82. Defendant lacks sufficient information to admit or deny, and therefore denies
25 the allegations in Paragraph 82.

26 83. Defendant denies the allegations in Paragraph 83.

27 84. Defendant denies the allegations in Paragraph 84.

28

II. The Process of Oil and Gas Permitting on Public Land

85. Defendant responds that Paragraph 85 states a legal conclusion to which no response is required. To the extent a response is required, Defendant lacks sufficient information to admit or deny, and therefore denies the allegations in Paragraph 85.

86. Defendant responds that Paragraph 86 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 86, except that 43 U.S.C. § 1712(a) and *N.M. ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 689 n.1 (10th Cir. 2009) speak for themselves.

87. Defendant responds that Paragraph 87 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 87.

88. Defendant responds that Paragraph 88 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 88, except 43 C.F.R. §§ 3120.1-1(e), 43 U.S.C. § 1712(e); 43 C.F.R. § 1610.5-3(a); and 43 C.F.R. Part 3120.1 *et seq.* speak for themselves.

89. Defendant responds that Paragraph 89 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 89, except 43 C.F.R. § 3162.3-1(c) speaks for itself.

90. Defendant responds that Paragraph 90 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 90.

PROCEDURAL BACKGROUND

I. Plaintiffs' Ongoing Challenge to BLM's Resource Management Plan and Lease Sale

91. Defendant lacks sufficient information to admit or deny, and therefore denies.

92. Defendant responds that Paragraph 92 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 92, except the Bakersfield resource management plan, NEPA, and

1 *ForestWatch v. U.S. Bureau of Land Mgmt.*, No. CV-15-4378-MWF, 2016 WL 5172009,
2 at *11-12 (C.D. Cal. Sept. 6, 2016) speak for themselves.

3 93. Defendant lacks sufficient information to admit or deny, and therefore denies,
4 except that the April 26, 2019 draft supplemental environment impact statement (“SEIS”)
5 speaks for itself.

6 94. Defendant lacks sufficient information to admit or deny, and therefore denies
7 the allegations in Paragraph 94, except that the April 26, 2019 draft SEIS speaks for itself.

8 95. Defendant lacks sufficient information to admit or deny, and therefore denies.

9 96. Defendant responds that Paragraph 96 states a legal conclusion to which no
10 response is required. To the extent a response is required, Defendant denies the allegations
11 in Paragraph 96.

12 97. Defendant lacks sufficient information to admit or deny, and therefore denies,
13 except that *Ctr. For Biological Diversity v. U.S. Bureau of Land Mgmt.*, No. 2:20-CV-
14 00371 DSF (C.D. Cal., filed Jan. 14, 2020) speaks for itself.

15 98. Defendant responds that Paragraph 98 states a legal conclusion to which no
16 response is required. To the extent a response is required, Defendant lacks sufficient
17 information to admit or deny, and therefore denies, except that *Ctr. for Biological Diversity*
18 *v. U.S. Bureau of Land Mgmt.*, No. 1:21-cv-00475-DAD-SAB (E.D. Cal., filed March 22,
19 2021) speaks for itself.

20 99. Defendant responds that Paragraph 98 states a legal conclusion to which no
21 response is required. To the extent a response is required, Defendant lacks sufficient
22 information to admit or deny, and therefore denies the allegations in Paragraph 99.

23 100. Defendant lacks sufficient information to admit or deny, and therefore denies
24 the allegations in Paragraph 100.

25 **II. FOIA Requests**

26 101. Defendant lacks sufficient information to admit or deny, and therefore denies
27 the allegations in Paragraph 101.

28

1 102. Defendant lacks sufficient information to admit or deny, and therefore denies
2 the allegations in Paragraph 102.

3 103. Defendant lacks sufficient information to admit or deny, and therefore denies
4 the allegations in Paragraph 103.

5 **III. The Drilling Permits in Issue**

6 104. Defendant denies that a “vacuum of adequate environmental review” exists.
7 Otherwise, Defendant lacks sufficient information to admit or deny, and therefore denies
8 the allegations in Paragraph 104.

9 105. Defendant admits that on July 15, 2022, California Resources Production
10 Corporation submitted six Applications for Permits to Drill wells in Kern County.
11 Otherwise, Defendant denies the allegations

12 106. Defendant admits the allegations in Paragraph 106.

13 107. Defendant denies the allegations in Paragraph 107, except that 30 U.S.C. §
14 226(f) speaks for itself.

15 108. Defendant lacks sufficient information to admit or deny, and therefore denies
16 the allegations in Paragraph 108.

17 109. Defendant lacks sufficient information to admit or deny, and therefore denies
18 the allegations in Paragraph 109.

19 110. Defendant lacks sufficient information to admit or deny, and therefore denies
20 the allegations in Paragraph 110.

21 111. Defendant lacks sufficient information to admit or deny, and therefore denies
22 the allegations in Paragraph 111.

23 112. Defendant lacks sufficient information to admit or deny, and therefore denies
24 the allegations in Paragraph 112.

25 113. Defendant lacks sufficient information to admit or deny, and therefore denies
26 the allegations in Paragraph 113.

27 114. Defendant lacks sufficient information to admit or deny, and therefore denies
28 the allegations in Paragraph 114.

1 115. Defendant lacks sufficient information to admit or deny, and therefore denies
2 the allegations in Paragraph 115, except that Defendant admits that BLM issued “Approval
3 with Conditions” to develop six wells at Mount Poso on May 31, 2023.

4 116. Defendant admits that BLM released its environmental assessment (“EA”)
5 and Decision Record approving the permits with conditions on May 31, 2023.

6 117. Defendant denies the allegations in Paragraph 117, except that Defendant
7 admits that the EA speaks for itself.

8 118. Defendant denies the allegations in Paragraph 118, except that Defendant
9 admits that the EA speaks for itself.

10 119. Defendant denies the allegations in Paragraph 119, except that Defendant
11 admits that the EA speaks for itself.

12 120. Defendant denies the allegations in Paragraph 120, except that Defendant
13 admits that the EA speaks for itself.

14 121. Defendant denies the allegations in Paragraph 121, except that Defendant
15 admits that the EA speaks for itself.

16 122. Defendant denies the allegations in Paragraph 122, except that Defendant
17 admits that the EA speaks for itself.

18 123. Defendant responds that Paragraph 124 states a legal conclusion to which no
19 response is required. To the extent a response is required, Defendant denies the allegations
20 in Paragraph 123, except that Defendant admits that the EA and 40 C.F.R. § 1502.14(a)
21 speaks for themselves.

22 124. Defendant responds that Paragraph 124 states a legal conclusion to which no
23 response is required. To the extent a response is required, Defendant denies the allegations
24 in Paragraph 124.

25 125. Defendant lacks sufficient information to admit or deny, and therefore denies.
26
27
28

FIRST CLAIM FOR RELIEF

Violation of the Clean Air Act

(On Behalf of All Plaintiffs)

126. Defendant responds that Paragraph 126 incorporates previous paragraphs, and therefore requires no response. To the extent a response is required, Defendant incorporates its responses to Paragraphs 1 through 125 as if fully set forth herein.

127. Defendant responds that Paragraph 127 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 127.

128. Defendant responds that Paragraph 128 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 128, except that 42 U.S.C. § 7506(c)(1), 40 C.F.R. § 93.153(b), 43 U.S.C. § 1712(c)(8), and 43 C.F.R. § 2920.7(b)(3) speak for themselves.

SECOND CLAIM FOR RELIEF

Violation of NEPA Public Participation Requirements

(On Behalf of All Plaintiffs)

129. Defendant responds that Paragraph 129 incorporates previous paragraphs, and therefore requires no response. To the extent a response is required, Defendant incorporates its responses to Paragraphs 1 through 128 as if fully set forth herein.

130. Defendant responds that Paragraph 130 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 130, except that *Robertson v. Methow Valley Citizens Council and Bering Strait Citizens for Responsible Res. Dev. v. U.S. Army Corps of Eng'rs.* speak for themselves.

131. Defendant responds that Paragraph 131 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 131.

THIRD CLAIM FOR RELIEF

**Violation of NEPA: Failure to Take a Hard Look at Project Environmental Impacts
(On Behalf of All Plaintiffs)**

132. Defendant responds that Paragraph 132 incorporates previous paragraphs, and therefore requires no response. To the extent a response is required, Defendant incorporates its responses to Paragraphs 1 through 131 as if fully set forth herein.

133. Defendant responds that Paragraph 133 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 133, except that *Robertson v. Methow Valley Citizens Council*, 42 U.S.C. § 4332(2)(C), and 40 C.F.R. § 1508.1 speak for themselves.

134. Defendant responds that Paragraph 134 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 134.

135. Defendant responds that Paragraph 135 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 135.

FOURTH CLAIM FOR RELIEF

**Violation of NEPA: Failure to Consider Reasonable Alternatives
(On Behalf of All Plaintiffs)**

136. Defendant responds that Paragraph 136 incorporates previous paragraphs, and therefore requires no response. To the extent a response is required, Defendant incorporates its responses to Paragraphs 1 through 135 as if fully set forth herein.

137. Defendant responds that Paragraph 137 states a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations in Paragraph 137, except that 42 U.S.C. § 4332(2)(C)(iii), 40 C.F.R. § 1502.14, and 42 U.S.C. § 4332(2)(H) speak for themselves.

1 138. Defendant responds that Paragraph 138 states a legal conclusion to which no
2 response is required. To the extent a response is required, Defendant denies the allegations
3 in Paragraph 138.

4 139. Defendant responds that Paragraph 139 states a legal conclusion to which no
5 response is required. To the extent a response is required, Defendant denies the allegations
6 in Paragraph 139.

7 **FIFTH CLAIM FOR RELIEF**

8 **Violation of the Mineral Leasing Act**

9 **(On Behalf of All Plaintiffs)**

10 140. Defendant responds that Paragraph 140 incorporates previous paragraphs,
11 and therefore requires no response. To the extent a response is required, Defendant
12 incorporates its responses to Paragraphs 1 through 139 as if fully set forth herein.

13 141. Defendant responds that Paragraph 141 states a legal conclusion to which no
14 response is required. To the extent a response is required, Defendant denies the allegations
15 in Paragraph 141, except that 30 U.S.C. § 226(f) speaks for itself.

16 142. Defendant responds that Paragraph 142 states a legal conclusion to which no
17 response is required. To the extent a response is required, Defendant denies the allegations
18 in Paragraph 142.

19 **SIXTH CLAIM FOR RELIEF**

20 **Violation of the Federal Land Policy and Management Act**

21 **(On Behalf of All Plaintiffs)**

22 143. Defendant responds that Paragraph 143 incorporates previous paragraphs,
23 and therefore requires no response. To the extent a response is required, Defendant
24 incorporates its responses to Paragraphs 1 through 142 as if fully set forth herein.

25 144. Defendant responds that Paragraph 144 states a legal conclusion to which no
26 response is required. To the extent a response is required, Defendant denies the allegations
27 in Paragraph 144, except that 43 U.S.C. § 1739(e) speaks for itself.

28

1 145. Defendant responds that Paragraph 145 states a legal conclusion to which no
2 response is required. To the extent a response is required, Defendant denies the allegations
3 in Paragraph 145.

4 **SEVENTH CLAIM FOR RELIEF**

5 **Violation of the Freedom of Information Act**
6 **(On Behalf of Center for Biological Diversity)**

7 146. Defendant responds that Paragraph 146 incorporates previous paragraphs,
8 and therefore requires no response. To the extent a response is required, Defendant
9 incorporates its responses to Paragraphs 1 through 145 as if fully set forth herein.

10 147. Defendant responds that Paragraph 147 states a legal conclusion to which no
11 response is required. To the extent a response is required, Defendant denies the allegations
12 in Paragraph 147, except that 5 U.S.C. § 552(a)(6)(A)(i)(I) speaks for itself.

13 148. Defendant responds that Paragraph 148 states a legal conclusion to which no
14 response is required. To the extent a response is required, Defendant denies the allegations
15 in Paragraph 148, except that 5 U.S.C. § 552(a)(3)(A), (a)(6)(A)(i)(I), and (a)(6)(C)(i) speak
16 for themselves.

17 149. Defendant responds that Paragraph 149 states a legal conclusion to which no
18 response is required. To the extent a response is required, Defendant denies the allegations
19 in Paragraph 149.

20 150. Defendant responds that Paragraph 150 states a legal conclusion to which no
21 response is required. To the extent a response is required, Defendant denies the allegations
22 in Paragraph 150.

23 **REQUEST FOR RELIEF**

24 Defendant denies the allegations in Plaintiffs' Request for Relief. Defendant
25 specifically denies that Plaintiffs are entitled to any relief whatsoever.

26 **AFFIRMATIVE DEFENSES**

27 As separate and additional defenses to the Complaint and each purported cause of
28 action therein, and without suggesting or conceding that they have any applicable

1 procedural or evidentiary burdens with respect to such defenses, Defendant alleges the
2 following affirmative defenses to the Complaint.

3 1. Defendant alleges that the Complaint, and each claim therein, fails to
4 contain facts sufficient to state a claim upon which relief can be granted.

5 2. Defendant alleges that the Complaint, and each claim therein, fails on the
6 basis of mootness.

7 3. Defendant alleges that Plaintiffs lack standing to bring the claims asserted in
8 the Complaint.

9 4. Defendant alleges that Plaintiffs' claims for relief are barred for failure to
10 exhaust applicable administrative remedies.

11 5. Defendant alleges that the Complaint, and each of the claims therein, is not
12 reviewable under the Administrative Procedure Act because Plaintiff fails to challenge a
13 final agency action.

14 6. Defendant alleges that Plaintiffs' claims alleged in the Complaint are not
15 ripe.

16 7. Defendant alleges that the Complaint, and each of the claims therein, is
17 barred by the doctrine of laches, waiver, estoppel, and other similar equitable doctrines.

18 8. Defendant alleges that the Complaint, and each of the claims therein, is
19 barred by one or more statutes of limitation.

20 9. Defendant alleges that injunctive relief is not appropriate because Plaintiffs
21 have an adequate remedy at law.

22 10. Defendant is informed and believes and on that basis alleges that it may
23 have additional defenses that cannot be articulated at this time. Defendant therefore
24 reserves the right to assert additional defenses upon further particularization of Plaintiffs'
25 claims, upon examination of the documents provided, upon discovery of further
26 information concerning the alleged claims and upon the development of other pertinent
27 information.
28

* * *

WHEREFORE, Defendant prays for judgment as follows:

1. That this Court enter judgment in favor of Defendant and against Plaintiffs on the Complaint; that the Complaint be dismissed with prejudice; and that Plaintiffs take nothing by the Complaint;
2. That Defendant be awarded as appropriate its reasonable fees and expenses, including reasonable attorneys' fees, incurred in connection with this matter; and
3. That the Court grant such other and further relief as it may deem just or proper.

Dated: August 3, 2023

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